

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

v. : S1 19 Cr. 373 (PGG)

MICHAEL AVENATTI :

Defendant. :

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**DEFENDANT MICHAEL AVENATTI'S NOTICE OF MOTION  
TO DISMISS COUNT THREE OF THE SUPERSEDING  
INDICTMENT FOR FAILURE TO STATE AN OFFENSE,  
AND BECAUSE 18 U.S.C. 1346 IS VAGUE-AS-APPLIED**

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, defendant Michael Avenatti, pursuant to Fed.R.Crim.P. 12 and the Fifth Amendment to the Constitution, will move this Court, before the Honorable Paul G. Gardephe at the United States Courthouse, 500 Pearl Street, Courtroom 705, New York, New York 10007, for an Order dismissing Count Three of the Superseding Indictment, which charges him with honest services wire fraud, in violation of 18 U.S.C. §§1343 and 1346.

Dated: November 15, 2019

Respectfully submitted,

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*Attorneys for Defendant Michael Avenatti*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2019, I caused a true and correct copy of the foregoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices.

/s/Scott A. Srebnick  
Scott A. Srebnick